

58-16a-502 Unprofessional conduct.

"Unprofessional conduct" includes, in addition to the definition in Section 58-1-501:

- (1) using or employing the services of an optometric assistant to assist a licensee in any manner not in accordance with:
 - (a) the generally recognized practices and standards of ethics of the profession; or
 - (b) applicable state law or division rule;
- (2) failure to refer a patient to an appropriate licensed practitioner when:
 - (a) the patient's condition does not respond to treatment; or
 - (b) the treatment is not within the scope of competence or licensure of the licensee;
- (3) providing confidential information regarding a patient to any third party who does not have a legal and professional ground for obtaining the information;
- (4) knowingly prescribing, selling, giving away, or administering any prescription drug unless:
 - (a) for a legitimate medical purpose;
 - (b) upon a proper diagnosis indicating the use of the drug in the amount prescribed or provided; and
 - (c) in compliance with Section 58-17b-309;
- (5) giving or receiving directly or indirectly any fee, commission, rebate, or other compensation for professional services not actually and personally rendered, except as part of a legal relationship within a lawful professional partnership, corporation, or association;
- (6) failure to transfer pertinent and necessary information from a patient's medical records to another optometrist or physician when so requested by the patient or his representative, as designated in writing; or
- (7) failure to provide a contact lens prescription to a person who sells contact lenses in accordance with Section 58-16a-306.

Amended by Chapter 234, 2012 General Session